

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.237 OF 2007

In

SUIT NO.2165 OF 2005

Kiduja Industries Ltd. : Plaintiff

V/s.

Surendra Laxman Raval & Ors. : Defendants

And

M/s.Kotak Mahindra Investments Ltd. : Respondent

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Ms Saumya Srikrishna with Jai Choksi i/b. M/s.C.R.Naidu & Co., for defendant nos.1 & 6 in support.

Mr.Janak Dwarkadas with Mr.Dipen Merchant i/b. M/s.S.

Ashwinikumar & Co., for the plaintiff to show cause.

Mr.A.S.Khandeparkar i/b. D. Brijesh for defendant no.2.

Mr.Vinod Shah i/b. M/s.Kadam & Co., for defendant nos.3, 4 & 5.

Mr.Sandeep Parekh i/b. India Law Alliance for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 24, 2007.

P.C.

1. The defendant nos.1 and 6 are permitted to substitute

exh.'D' with a copy thereof, which is tendered in Court, taken on record and marked 'X' for identification.

2. Heard.

3. By consent, the respondent be joined as a party to the suit.

4. Necessary amendments be carried out within one week from today.

5. The parties shall act on the order dated 16.10.2006 in view of the admitted fact that the appeal against the said order has been dismissed. In addition to the conditions imposed by this Court in para 4, the following condition shall be imposed.

The defendants shall hold the security deposit which they receive from the new licensee i.e. the newly added defendant, subject to further orders of this Court in the plaintiff's Notice of Motion No.2304 of 2005, regardless of the terms of the specific agreement. The defendant nos.1 & 6 shall nonetheless be allowed to use the refund of the security deposit obtained from M/s.Degusa India Ltd. under leave and licence agreement dated 30.4.2004.

6. Notice of Motion stands disposed of.

S.A. BOBDE, J.